

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMENEND MATTHEWS,

Plaintiff,

v.

SHERRY BARBOUR, et al.,

Defendants.

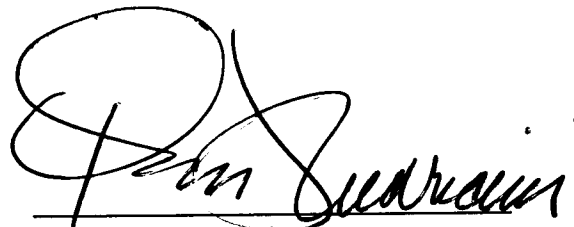
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3:18-CV-515
(JUDGE MARIANI)

ORDER

AND NOW, THIS 20th DAY OF MAY, 2019, upon review of Magistrate Judge Arbuckle's Report and Recommendation ("R&R") (Doc. 16) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 16) is **ADOPTED AS MODIFIED**. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
2. Plaintiff is granted leave to amend his Complaint **within twenty-eight (28) days from the date of this Order** to set forth proper Eighth Amendment claims. Failure to amend the Complaint may result in dismissal of this action with prejudice.
3. The case is **REMANDED** to Magistrate Judge Arbuckle for further proceedings consistent with this Order.



Robert D. Mariani
United States District Judge